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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 2261/2025

REHMAN ALI

.....Petitioner

Through: Mr. Neeraj Kumar, Adv. (DHCLSC).
versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Anand V. Khatri, ASC for State.
Insp Bijender, PS Bindapur.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

% **23.07.2025**

1. Petitioner, a convict, undergoing sentence of life imprisonment for committing offences under section 302/34 IPC, seeks issuance of an appropriate writ in the nature of mandamus and/or otherwise directing the official respondent to release him on parole for a period of 30 days to perform the last rites of his father, who died on 11.06.2025.
2. At the time of death also, he had made a similar request, which was kept just kept pending without any decision. Thus, he was even denied his right to attend to the funeral which took place without his presence. Subsequently, he again approached the Director General (Prison), Delhi vide an application dated 14/16.06.2025 (Annexure-A). Even the said application has been kept pending. Resultantly, the instant writ petition.
3. Petitioner is presently confined in Central Jail No. 4, Tihar, New Delhi and has already undergone incarceration of more than 12 years and 10 months of the total sentence awarded to him.
4. Learned counsel for the petitioner submits that the petitioner has consistently surrendered before the jail authorities on every occasion when



he was granted furlough or parole. During his continuous incarceration for the past 12 years and 9 months and he has always returned within the stipulated time. Thus he has never misused the liberty extended to him and has always abided by the terms of furlough and/or parole.

4.1. He would canvass that due to his prolonged imprisonment, petitioner he is gradually losing touch with the outside world, his family, and society at large. His absence during a time of grief in the family is likely to cause irreparable emotional harm not only to the petitioner but also to his loved ones.

4.2. On a court query he informs that, there is no other case pending against him. He also states that petitioner is unable to furnish surety as his immediate family resides in Farukhabad, U.P., and due to financial constraints, they are neither able to travel to Delhi nor arrange the surety amount.

5. Heard and perused the case file.

6. At the outset, learned counsel for the respondents submits that since the application of the petitioner is pending with the Competent Authority, the same can rather be expeditiously decided on the administrative side by verifying all the facts and circumstances as pleaded in the petition herein. The learned counsel for the petitioner is also agreeable to the said suggestion.

7. Petitioner has been under incarceration for the last almost more than 12 years 6 months and has been given the concession of parole/furlough in the past also and he has never misused the same and has surrendered, each time he was given the benefit overall. No doubt, parole would allow him to reconnect with his family, offer emotional support, and reintegrate with



society.

8. In the premise, given the past conduct of the petitioner, it appears to be a case where petitioner deserves parole to perform the Chalisa and other last rights on the death of his father, as per his religion.

9. However, in view of the candid statement of state counsel, the petition is disposed of with a direction to the competent authority of the State to decide the pending application filed by the petitioner within a period of six weeks from today.

ARUN MONGA, J

JULY 23, 2025/akc